

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA

Criminal No.: 2:22-cr-643 (BHH)

v.

MATTHEW DONALD KELLY

ORDER

This matter came before the Court on March 8, 2023, for Defendant Matthew Donald Kelly's ("Defendant") plea of not guilty by reason of insanity. Defendant, along with defense counsel Cody Groeber, Esq., and counsel for the Government, appeared during this proceeding. In addition to the findings made on the record during the hearing, which are incorporated herein, the Court hereby sets forth the following:

Prior to accepting Defendant's plea, the Court made a determination regarding Defendant's competency. Upon consideration of the entire record in this case, to include a report from the Federal Detention Center Englewood, November 30, 2022 (ECF 44-2), and the arguments of counsel, the Court found by a preponderance of the evidence that Defendant was competent and was able to understand the nature and consequences of the proceedings against him and to assist properly in his own defense.

The Court then conducted a plea colloquy of Defendant and concluded that Defendant waived his right to trial by jury and wished to enter a plea, knowingly and voluntarily, to the charge of Assault with a Dangerous Weapon, in violation of Title 18, United States Code, Sections 7(1) and 113(a)(1). The Court accepted a Stipulated Statement of Facts that was signed by Defendant, his counsel, and counsel for the government, and the Court conducted an inquiry to confirm that Defendant agreed to the facts set forth in the Stipulation. Based on the Stipulated Statement of

Facts, the Court found Defendant guilty of Count 3 of the Indictment.

The Court then proceeded to the insanity phase of the proceeding. Upon consideration of the entire record in this case, to include a report from the Federal Detention Center Englewood, dated November 30, 2022 (ECF 44), and the arguments of counsel, the Court found by clear and convincing evidence that, at the time of the offense, Defendant suffered from a severe mental disorder and was unable to appreciate the nature and quality or wrongfulness of his actions.

Therefore, the Court, pursuant to Title 18, United States Code, Section 4242(b), hereby enters a **Verdict of Not Guilty by Reason of Insanity as to Count 3** of the Indictment, and it is:

ORDERED, pursuant to Title 18, United States Code, Sections 4243(a) and 4247, that Defendant be committed to a suitable facility until such time as he is eligible for release pursuant to Title 18, United States Code, Section 4243(e);

ORDERED, pursuant to Title 18, United States Code, Section 4243(b), that a licensed or certified psychiatrist or psychologist perform a psychiatric or psychological examination, and file a report with the Court, to be shared with the parties in this case, no later than April 7, 2023, concerning Defendant's mental condition and treatment;

ORDERED, that the government submit a filing to the Court concerning its position on this filed report, no later than April 12, 2023; and further

ORDERED, pursuant to Title 18, United States Code, Section 4243(c) that the matter be set for a status hearing on April 17, 2023.

IT IS SO ORDERED.

/s/ Bruce H. Hendricks
United States District Judge

March 8, 2023
Charleston, South Carolina